IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of   )
)   No. 03-16
         PROCEDURES FOR   )   SUPPLEMENTAL COURT
         CIVIL INFRACTIONS   )   RULE

         IT IS HEREBY ORDERED that the following procedures shall apply to civil infractions
cited to this Court:

1. CITATIONS: In cases where the City of Tigard ("City") elects to utilize the Uniform
   Traffic Citation ("UTC") pursuant to Section 1.16.220 (1) of the Tigard Municipal
   Code ("TMC"), no more than two individual parties and a related business may be
   named on one citation. All named parties must reside or do business at the address
   stated on the citation. Additional parties may be named on one or more separate
   citations.

2. FIRST APPEARANCE: If a respondent admits, or declines to contest, the
   allegations in a UTC at a first appearance, the following procedures shall apply:

   a. Each respondent shall be given the opportunity, before any civil penalty is
       imposed, to present evidence of mitigating circumstances, including (but not
       limited to) the date and extent of compliance.

   b. The City may submit a memorandum to the court in a sealed envelope, to be
       opened after a respondent admits or declines to contest all the allegations,
       containing matters in mitigation or aggravation of any penalty. A copy of the
       memorandum shall be enclosed for each respondent. Such matters may
       include (but are not limited to):

       i.   The date and extent of compliance;

       ii. Lack of compliance;

       iii. Any verbal or written notice to respondent prior to the issuance of the
            citation, including the dates of such notice and the names of the
            persons to whom the notice was given;

       iv. Any history of prior infractions: Prior infractions shall be shown by
            submitting either a copy of the original judgment or a summary of the
            judgment, including the date, nature of the infraction(s), the amount of
            any penalty and other relevant information.

   c. Compliance hearing: either party may request a compliance hearing if there is
       a dispute as to the extent of compliance.

       i.   Any request by the City for a compliance hearing shall be made in
            writing to the court in a sealed envelope, to be opened at the first

appearance if a respondent admits, or does not deny, the allegations in the UTC.

    ii. Any request by a respondent for a compliance hearing may be made orally or in writing at, or prior to, the first appearance.

3. DEFAULT JUDGMENTS: Where service of the summons and complaint have been effected by mail in accordance with the relevant sections of the Tigard Municipal Code, the following provisions shall apply when the City petitions the Court for a default judgment pursuant to TMC Section 1.16.230:

    a. Where a corporate respondent is named, no default shall be entered until service on one or more of the following has been established by affidavit: an officer, a director or the registered agent of the corporation. In the alternative, the City may show that due notice was mailed to the last registered office of the corporation, if any, as shown by the records on file in the office of the Secretary of State.

    b. For all other respondents, no default judgment shall be entered absent a showing of due diligence in attempting to locate the respondent at the respondent's current or most recent address. A "due diligence" search includes, but is not limited to, one or more of the following:

        i. A business records search through the Oregon Secretary of State;

        ii. County deed and property tax records ;

        iii. Telephone directories, including reverse directories;

        iv. Business tax records; or

        v. Any address the use of which the City knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice. The affidavit shall set forth the basis for that knowledge or belief.

    c. Any other form of service that complies with Rule 7 of the Oregon Rules of Civil Procedure shall be deemed to conform to the requirements of the TMC and this rule.

DATED this 10th day of April, 2003.

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                        Michael J. O'Brien, Presiding Judge
                        Tigard Municipal Court